

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

CRIMINAL CASE NO. 3:00cr221

UNITED STATES OF AMERICA, )

)

)

vs. )

)

)

ARTIS LA MONTE CLAY. )

)

ORDER

**THIS MATTER** is before the Court *sua sponte* to determine the status of the Defendant's evaluation.

On September 30, 2009, the Defendant appeared for a supervised release revocation hearing. During the hearing, it became apparent that there was reasonable cause to believe that the Defendant may have been suffering from a mental disease or defect rendering him mentally incompetent to the extent that he was unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. 18 U.S.C. §4241(a). The Court ordered an evaluation to be performed, preferably without transporting the Defendant from the District. Counsel for the Government and the defense advise that the Defendant

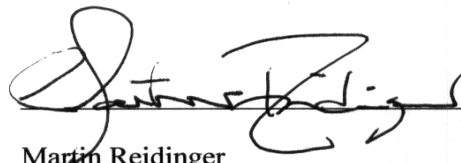
has not been evaluated. As a result, the Court will order that such an evaluation be performed.

## **ORDER**

**IT IS, THEREFORE, ORDERED** that the Defendant is hereby committed to the custody of the United States Attorney General for a psychiatric or psychological examination at a suitable facility for a reasonable period, not to exceed thirty (30) days. If possible, the examination shall occur within the Western District of North Carolina while the Defendant remains in detention. A psychiatric and/or psychological report shall be prepared by the examiner designated to conduct the examination and shall be filed with the Court with copies provided to defense counsel and the Government pursuant to the provisions of 18 U.S.C. §4247(b) & (c) and shall specifically include an opinion as to whether the Defendant is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

**IT IS FURTHER ORDERED** that upon the completion of the examination and/or the Defendant's return to this District, a competency hearing shall be scheduled and conducted in accordance with the provisions of 18 U.S.C. §4247(d).

Signed: November 3, 2009

  
Martin Reidinger  
United States District Judge

